

REMARKS

In view of the above amendments and the following remarks, Applicant requests favorable reconsideration and allowance of the above-identified application.

Claims 1-18 remain pending in this application. Claims 1-6 have been withdrawn from consideration. Of the claims still under consideration, Claim 7 is the sole independent claim. By this Amendment, Applicant has amended Claim 7.

Initially, Applicant would like to thank the Examiner for indicating that Claims 8 and 18 would be allowed if rewritten in independent form. Applicant has left those claims in dependent form inasmuch as Applicant believes their common base claim is allowable for the reasons set forth below.

Claims 7, 9-12, and 14-17 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,210,391 (Cohen). Claim 13 stands rejected under 35 U.S.C. § 103 as being unpatentable over Cohen in view of U.S. Patent No. 5,995,279 (Ogino, et al.). Applicant traverses these rejections.

As recited in independent Claim 7, Applicant's invention is directed to a diffraction optical element in which a plurality of diffraction gratings are laminated. A first diffraction grating is formed with a material of a predetermined dispersion, and an imaginary surface including tips of grating portions of the first diffraction grating is a curved surface. A second diffraction grating is formed with a material of a dispersion different from that of the first diffraction grating, and an imaginary surface including tips of grating portions of the second diffraction grating is also a curved surface. The second diffraction grating is arranged such that there is an interval between the first diffraction grating and the second diffraction grating.

Therefore, in the present invention, the first and second diffraction gratings have an interval provided between each other.

The Cohen patent is directed to a multifocal zone plate. The Office Action cites this patent as describing laminated first and second diffraction gratings, based on the features shown Figure 4 of that patent. However, Applicant submits that the patent does not describe that two diffraction gratings are arranged such that there is an interval between those diffraction gratings.

The Ogino, et al. patent is directed to an optical element used in an image pick-up apparatus. The Office Action merely cites this patent as describing that a diffraction optical element may be cemented to a surface of a cemented lens. Applicant submits that this patent fails to remedy the deficiencies discussed above with respect to the Cohen patent.

Accordingly, Applicant submits that the Cohen and Ogino, et al. patents, taken alone or in combination, fail to disclose or suggest at least the features of a first diffraction grating, wherein an imaginary surface including tips of grating portions of the first diffraction grating is a curved surface, and a second diffraction grating, wherein an imaginary surface including tips of grating portions of the second diffraction grating is a curved surface, and wherein the second diffraction grating is arranged with an interval between the first diffraction grating and the second diffraction grating, as recited in independent Claim 7.

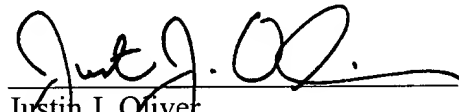
For the foregoing reasons, Applicant submits that independent Claim 7 is allowable over the applied patents, and requests withdrawal of the rejections under 35 U.S.C. §§ 102 and 103.

The remaining claims under consideration in the present application are dependent claims which depend from independent Claim 7, and thus are allowable over the documents of record for reasons noted above with respect to Claim 7. In addition, each recites features of the invention still further distinguishing it from the applied documents. Applicant requests favorable and independent consideration thereof.

Applicant submits that all outstanding matters in this application have been attended to and that the application is in condition for allowance.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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